

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

EDWARD ALAN YEARTA,

Plaintiff,

vs.

Case No. 2:17-cv-02117-SHM/egb

**AMUSEMENTS OF AMERICA, INC.,
DELTA FAIR, INC., UNIVERSAL FAIRS,
LLC and BELLE CITY AMUSEMENTS, INC.,**

Defendants,

AMUSEMENTS OF AMERICA, INC.,

Crossclaim Plaintiff,

vs.

BELLE CITY AMUSMENTS, INC.,

Crossclaim Defendant.

CORRECTED RULE 16(b) SCHEDULING ORDER

Pursuant to written notice, a scheduling conference was held on August 22, 2017. John F. Teitenberg participated for Randall Loftin Kinnard on behalf of the plaintiff. Kristine Esme Nelson participated on behalf of defendant Amusements of America, Inc. Gregory Lee Mast participated on behalf of defendant Delta Fair, Inc. Garrett M. Estep participated on behalf of defendant Universal Fairs, LLC. Mary Wu Tullis participated on behalf of defendant Belle City Amusements, Inc. The following schedules and deadlines were established:

JOINING PARTIES: The parties may join parties on or before December 22, 2017.

MOTIONS TO AMEND: The parties shall file all Motions to Amend on or before May 2, 2018.

ADR: The parties will submit to ADR pursuant to this district's ADR Program, LR 16.1 and Fed. R. Civ. P. 16. The parties shall submit to ADR on or before November 14, 2017, unless otherwise agreed to by all parties. Further, the parties reserve the right to seek additional ADR through mediation, to the extent they agree, after the completion of discovery.

COMPLETING ALL DISCOVERY: August 3, 2018

a. EXPERT DISCLOSURE (Rule 26):

i. Plaintiff's Rule 26 Expert: May 4, 2018

ii. Defendants' Rule 26 Expert: June 4, 2018

iii. No discovery depositions of experts may be taken until all parties have disclosed experts and their opinions.

b. RESPONSES TO DOCUMENT PRODUCTION, INTERROGATORIES, and REQUESTS for ADMISSIONS DUE: No later than August 3, 2018

c. MOTIONS TO COMPEL DISCOVERY: August 10, 2018

FILING DISPOSITIVE MOTIONS: September 7, 2018

FINAL LISTS OF WITNESSES AND EXHIBITS (Rule 26(a)(3)):

a. For Plaintiff: September 14, 2018

b. For Defendants: September 28, 2018

The parties shall have 14 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).

A **JURY TRIAL** is set **TUESDAY, JANUARY 22, 2019 at 9:30 A.M.** and is estimated to take seven (7) days.

A **PRETRIAL CONFERENCE** is set **FRIDAY, JANUARY 11, 2019 at 9:30 A.M.**

The parties shall submit a joint proposed pretrial order no later than **JANUARY 4, 2019.**

Absent good cause, the scheduling dates set by this order will not be modified or extended.

The parties should conduct in-depth discovery consultations prior to filing any and all discovery motions. All motions, with the exception of motions to dismiss or motions for summary judgment must be accompanied by a certificate of counsel verifying that the parties have been unable to resolve the dispute. The proposed joint pretrial order should include any stipulated facts, contested issues of fact and law, list of witnesses and exhibits, and should be signed by the attorneys for all parties.

If a jury trial has been requested, the parties should submit proposed jury instructions to the court *at the pretrial conference*. Failure to present the proposed instructions may be deemed a waiver with regard to presentation at a later date. If the action is to be tried by the judge, the parties will be required to submit proposed findings of fact and conclusions of law in place of the proposed jury instructions.

SO ORDERED this 28th day of August, 2017.

s/ Samuel H. Mays, Jr.
SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE